

## **REMARKS**

In the Office Action mailed December 13, 2005, the Examiner (1) rejected claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 under 35 U.S.C. § 112; and (2) rejected claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,606,708 to Devine et al. (Devine). Currently claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 are pending.

Applicants add a paragraph of text after the last paragraph of page 6 of the original specification. No new matter has been added. The new text is copied directly from U.S. Patent Application No. 09/457,889, now U.S. Patent No. 6,977,929, which is properly incorporated by reference at page 1, line 11, of the original specification. This incorporation by reference was amended to reflect the patent number and patent application number in an Amendment filed on December 22, 2004, and in this Amendment.

Applicants respectfully disagree with the Examiner's position that claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 as presented in the Amendment After Final filed July 18, 2005, fail to comply with the written description requirement of 35 U.S.C. § 112 and contain "new matter issues." Before Applicants can address the § 112 rejection, however, Applicants must note that the Examiner has inappropriately refused to enter and consider portions of the amendments to the claims as presented in that Amendment After Final. The Examiner states:

Applicant is noted that the new matter limitations of "without passing through the administrative machine" have not been entered for consideration.

Applicants filed a proper Request for Continued Examination (RCE) under 37 C.F.R. § 114 on September 22, 2005. The RCE properly identified the "Amendment After Final filed July 18, 2005" as the "submission" required by Rule 114. Rule 114 states that:

(d) If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.

The MPEP is clear that amendments should not be entered in part, stating, “[t]o avoid confusion of the record the general rule prevails that an amendment should not be entered in part.” MPEP § 714.20. The MPEP also states:

Amendments to the drawing held by the examiner to contain new matter are not entered until the question of new matter is settled.  
*This practice of nonentry because of alleged new matter, however, does not apply in the case of amendments to the specification and claims.*

MPEP § 714.19(J) (emphasis added; citations omitted). In fact, it is not clear from the record of this patent application what portions of the claims, if any, have not been entered, or if the Examiner has simply not considered some portions of the claims that have been entered in their entirety. Regardless, the MPEP is clear that alleged new matter should be considered and “cannot be ignored.”

If new matter is added only to a claim . . . the claim should be rejected using form paragraph 7.31.01. As to any other appropriate prior art or 35 U.S.C. 112 rejection, *the new matter must be considered as part of the claimed subject matter and cannot be ignored.*

MPEP § 706.03(o)(emphasis added). The Examiner has unnecessarily delayed prosecution by not considering claim limitations allegedly containing “new matter.” Applicants respectfully request that the Examiner fully enter and consider all the amendments presented in the Amendment After Final filed July 18, 2005, as required by Rule 114 and the MPEP. Should the Examiner reject the claims over the prior art in the next Office Action, such a rejection cannot not be final. See MPEP § 706.07(a).

Applicants respectfully disagree with the Examiner’s position that any of the claims as amended in the Amendment After Final fail to comply with § 112. Proposed amended claim 1 recites a combination of elements including, among other things:

sending a request from the first node to an administrative machine to verify a first node identification associated with the first process;

in response to the request, receiving security context information at the first node from the administrative machine, the security context information comprising a virtual address for the first node; . . .

transmitting a packet from the first process to the second process through the open socket without passing through the administrative machine . . . .

The Examiner alleges that the phrase “without passing through the administrative machine” is “not disclosed in the specification.” Office Action at 3. This phrase, however, is supported throughout the original specification. For example, Fig. 8 depicts a flow chart of the steps performed when sending a packet from node A. At least Fig. 8 and the description of Fig. 8 supports “transmitting a packet from the first process to the second process through the open socket without passing through the administrative machine” as recited in claim 8. For example, the specification reads, “the SNSL layer passes the packet to the IP layer where it is then sent to the destination node in accordance with known techniques associated with the IP protocol (step 814).” As another example, the text added to the bottom of page 6 of the specification also supports claim 1.

As shown, claim 1 is fully supported by the specification and fully complies with the written description requirement. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under § 112.

Although claims 16, 18, 29, 33, and 35 are of different scope than claim 1 and each other, they each contain some similar terminology. For example, claim 16 recites a combination of elements including, among other things, “receiving the datagram . . . without the datagram passing through the administrative machine.” Also, claim 18 recites a combination of elements including, among other things, “transmitting a packet . . . without passing through the administrative machine.” Further, claim 29 recites a combination of elements including, among other things, “the transmission module

transmits a packet . . . without passing through the administrative machine.” Further, claim 33 recites a combination of elements including, among other things, “receiving the datagram . . . without the datagram passing through the administrative machine.” Finally, claim 35 recites a combination of elements including, among other things, “a transmitting module for transmitting a packet . . . without passing through the administrative machine.” For the same reasons claim 1 meets the written description requirement, claims 16, 18, 29, 33, and 35 also meet the written description requirement. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 16, 18, 29, 33, and 35 under § 112.

Claims 2, 3, 5, 7-11, 13-15, 17, 19, 20, 22, 24-31, 34, 36, 37, 39, and 41-48 were rejected due to their dependencies on one of independent claims 1, 16, 18, 33, or 35. Since the independent claims fully meet the requirements of 35 U.S.C. § 112, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2, 3, 5, 7-11, 13-15, 17, 19, 20, 22, 24-31, 34, 36, 37, 39, under § 112.

Applicants respectfully traverse the rejection of claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,606,708 to Devine et al. (Devine). Devine discloses a secure server architecture for web based data management including client sessions. See Abstract and col. 20, lines 53-63. Devine also discloses security protocols that enable a remote user to interact with servers or an “enterprise Extranet” see col. 2, lines 56-60, while, in one embodiment, implementing virtual IP addresses, see col. 23, lines 61-64. The Examiner has not shown, however, where Devine discloses “transmitting a packet from the first process to the second process through the open socket without passing through the administrative machine,” as recited in claim 1. In fact, the Examiner admitted to ignoring this limitation. See Office Action at 6.

In order to anticipate a claim under § 102, a reference must disclose each element of the claim. Because the Examiner has not shown that Devine discloses each element of claim 1, Devine cannot anticipate claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under § 102(e).

Although claims 16, 18, 29, 33, and 35 are of different scope than claim 1 and each other, they each contain some similar terminology. For example, claim 16 recites a combination of elements including, among other things, "receiving the datagram at the second process that contains the node identification and a second virtual address, without the datagram passing through the administrative machine." Also, claim 18 recites a combination of elements including, among other things, "transmitting a packet from the first process to the second process through the open socket without passing through the administrative machine." Further, claim 29 recites a combination of elements including, among other things, "the transmission module transmits a packet from the process to a receiving node without passing through the administrative machine." Further, claim 33 recites a combination of elements including, among other things, "receiving the datagram . . . without the datagram passing through the administrative machine." Finally, claim 35 recites a combination of elements including, among other things, "transmitting a packet . . . without passing through the administrative machine." Therefore, Devine also does not anticipate claims 16, 18, 29, 33, or 35 for at least the same reasons it does not anticipate claim 1. Thus, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 16, 18, 29, 33, and 35 under § 102(e).

Claims 2, 3, 5, 7-11, 13-15, 17, 19, 20, 22, 24-31, 34, 36, 37, 39, and 41-48 all depend on one of independent claims 1, 16, 18, 33, or 35, and include all the limitations of their respective base claims. Thus, dependent claims 2, 3, 5-12, 17, 19, 20, 22-28, 30-32, 34, 36, 37, and 39-45 are allowable over Devine for at least the same reasons stated above in connection with the respective independent claims. Thus, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2, 3, 5, 7-11, 13-15, 17, 19, 20, 22, 24-31, 34, 36, 37, 39, under § 102(e).

The Office Action dated April 22, 2004, contains certain characterizations of the invention, the application claims, and the prior art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization made in the Office Action.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: Monday, March 13, 2006

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